

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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RENAE J. KULAK,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:15-cv-000084
	:	
CAROLYN W. COLVIN,	:	
Acting Commissioner of Social Security,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 27<sup>th</sup> day of September, 2016, upon consideration of Plaintiff's Complaint, ECF No. 3, Defendant's Answer, ECF No. 7, Plaintiff's Brief and Statement in Support of Request for Review, ECF No. 14, Defendant's Response to Request for Review, ECF No. 15, and Plaintiff's Reply, ECF No. 19, and after de novo review<sup>1</sup> of the Report and Recommendation ("R&R") of Linda K. Caracappa, United States Magistrate Judge, ECF No. 20, Plaintiff's Objections to the R&R, ECF No. 24, Defendant's Response to the Objections, ECF No. 26, and the complete Administrative Record, ECF No. 6, **IT IS ORDERED THAT:**

1. Plaintiff's objections to the Report and Recommendation, ECF No. 24, are **OVERRULED**.

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<sup>1</sup> When objections to a report and recommendation have been filed, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984). "District Courts, however, are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation de novo under 28 U.S.C. § 636(b)." *Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at \*16-17 (3d Cir. 2016). The "court may accept, reject, or modify, in whole or in part, the findings and recommendations" contained in the report. 28 U.S.C. § 636(b)(1)(C).

The Court adopts the R&R issued by Magistrate Judge Caracappa, and writes separately only to address a few of Plaintiff's objections to the R&R.<sup>2</sup> First, contrary to Plaintiff's objections, the Magistrate Judge does not contradict herself by mentioning the GAF score as *one of the seven* pieces of evidence the ALJ considered in according Dr. Greenspan's opinion limited weight and then later explaining that "a GAF score may be accorded little or no weight depending upon its consistency with the other relevant evidence in the record." *See* R&R 16-17. Next, the Magistrate Judge's reliance on *McDonald v. Astrue*, 293 F. App'x 941 (3d Cir. 2008), is not misplaced simply because it is an unpublished, non-precedential opinion. *See United States v. Barney*, 792 F. Supp. 2d 725, 729 (D.N.J. 2011) (explaining that while "district courts are not bound by non-precedential opinions issued by a circuit court, [h]owever, district courts may rely on non-precedential opinions as strongly persuasive authority" (internal citation omitted)). Additionally, Magistrate Judge Caracappa's finding that the ALJ's hypothetical to the vocational expert was proper is in compliance with *Ramirez v. Barnhart*, 372 F.3d 546 (3d Cir. 2004). *See Menkes v. Astrue*, 262 F. App'x 410, 412 (3d Cir. 2008) (finding that the ALJ's hypothetical question, which restricted the type of work to "simple routine tasks,"<sup>3</sup> accounted for the claimant's "moderate limitations in concentration, persistence and pace").

2. The Report and Recommendation, ECF No. 20, is **APPROVED and ADOPTED**.

3. Plaintiff's Request for Review, ECF Nos. 3, 14, is **DENIED**.

4. The final order of the Commissioner of Social Security is **AFFIRMED**.

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<sup>2</sup> Although this Order does not specifically discuss each of Plaintiff's objections, all of the objections have been given de novo review.

<sup>3</sup> "The term 'simple routine tasks,' in the context of the disability proceedings, generally refers to the non-exertional or mental aspects of work. For example, performing a 'simple routine task' typically involves low stress level work that does not require maintaining sustained concentration." *Menkes*, 262 F. App'x at 412.

5. This case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge